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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**09-CR-199-MO**

**v.**

**GOVERNMENT'S MOTION TO  
DISMISS INDICTMENTS**

**DONNICO T. JOHNSON and LISA  
MILES,**

**Defendants.**

The United States of America, by Dwight C. Holton, United States Attorney for the District of Oregon, and Kemp L. Strickland, Assistant United States Attorney for said District, respectfully submits this motion to dismiss the superseding and underlying indictment in the above captioned case.

Previously, the Court granted a continuance of the December 8, 2009, trial date in this case. The continuance was based on the government's motion and affidavit indicating that its key and essential witness was unavailable for trial. See 18 U.S.C. 3161(h)(3)(A). The Court determined that the period of delay was excludable and continued defendant's trial to March 9, 2010.

During the period of delay, the government has continuously worked with local and federal law enforcement in the States of Oregon and Washington to locate the victim in this case and bring her forward as witness at trial. To date, those efforts have been unsuccessful and the whereabouts of the victim continue to be unknown.

Because of the seriousness of the charges, the existence of multiple indictments against defendants (09-CR-170-MO), and the nature of the victim's disappearance, the government is reluctant to move the Court for dismissal. To that extent, if the victim is found and or it is determine that defendants or others conspired, aided one another, or worked to prevent or exclude her from participating or testifying in the prosecution of this case, the government intends to move forward with a re-prosecution. However, in the interest of justice and for the above reasons, the government respectfully moves the Court for an order dismissing the indictments in this case pursuant to 18 U.S.C. 3162(a)(2) and without prejudice.

DATED this 3rd day of March 2010.

Respectfully submitted,  
DWIGHT C. HOLTON  
United States Attorney

s/ Kemp L. Strickland  
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